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WHEELING, W. VA., TUESDAY MORNING, DECEMBER 10, 1872.

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The Constitutional Suspension of the Subscription Business.

The regular meeting of Council will be held this evening. We presume if the friends of the railroad subscriptions think themselves strong enough to carry their measures through the First Branch they will be promptly taken up for action in that body. With the avowed partisans of these measures we do not hope that any suggestions of ours can have the slightest influence. We do hope, however, that the balance of power in that Branch is still with men who are not beyond the reach of appeals to reason, prudence and duty.

We ask these gentlemen to consider first of all that they cannot now vote these subscriptions without direct violation of the supreme law of the State. The new Constitution which came into operation in August overrode and suspended the authority granted by and under legislative act to incur this proposed debt. The debt of the city is already greater than the limit fixed by the constitution. This proposed addition to it could have been made if the corporation of Wheeling through its legal instrumentalities had made these subscriptions and ordered bonds to be issued, before the 23d of August. But not having taken this step, the constitution interposes its superior authority and the proceeding is stopped just where it stood on the 23d of August. The only case where any debt in excess of 5 per cent on the tax basis can be made by a municipal corporation is "where such corporation has already [i.e., before August 23, 1872] authorized its bonds to be issued." This the corporation of Wheeling had not and has not yet done. That is the purpose of the ordinance pending before the First Branch. The Wheeling Register's argument that bonds have been authorized by the corporation because the people of the city are the corporation and they have empowered Council to order their issue, is a mere quibble. In an abstract sense the inhabitants of a city are the corporation, just as the inhabitants of this country are the United States. But for all business and legal purposes it is the government created by the city charter that is the legal representative of the people of the city. The people of the city, individually, cannot sue or be sued. It is the Council and executive officers that constitute the corporation with which constitutional and statutory provisions and legal processes deal. Nothing is done by a municipal corporation until it is done by the officers created by the charter to exercise the corporate powers conferred on the inhabitants. The vote of the people merely invested the legal corporation with discretionary power to authorize an issue of bonds, and did not of itself authorize that issue. A legal act is not authorized so long as the authority is not complete. Unless the vote by the inhabitants of the city constituted of itself an actual and complete subscription to these railroads it is impossible that it could have authorized an issue of bonds for there had to be a debt before bonds could be issued. And unless bonds could be issued without further authority, the issue was not authorized by that vote. Of course, we know bonds could not be issued except upon legal enactment by Council, and of course it follows that the issue of bonds is not authorized until it is done by an ordinance of Council. No such ordinance having been passed before the 23d of August, the authority for Council to pass it no longer exists and the subscriptions cannot be made. Council may go on and go through the form of enacting this legislation but it will be null and void; any attempt to carry it into effect will be immediately stopped, we presume by injunction; and possibly the members thus wilfully violating the law may find their action attended by some consequences unpleasant to themselves.

WASHINGTON LETTER.

Business in Congress—How West Virginia is Regarded at the National Capital.

The following is an extract from a private letter written by a citizen of West Virginia now in Washington. "This portion of it relating to West Virginia is of service just now to the Democratic leaders who are carrying things with an uplifted arm at the Capital."

I came here on Monday last, the 2d inst., and found the members of the House generally present on Tuesday. As yet but few fashionable visitors have made their appearance. They will come in swarms after the holiday recess. Protesting lobbyists are already as plenty as blackberries in July. These vermin are a disgrace to the nation.

The House have gone resolutely to work already. I have never witnessed so early in a session such an apparent determination to dispatch the public business promptly, and the bill passed on Thursday, providing for the reduction of the officers and expenses of the internal revenue, by which about \$1,700,000 will be saved to the people, is an earnest of a determination to legislate for the good of the whole country. Heretofore it has been too much the custom to legislate for individual parties and sectional interests, leaving the people out of sight.

I hear some talk that an attempt will be made this session, perhaps by Western men, to effect a radical change in our financial system. There are some rest men, mere theorists and visionaries, who are not content with "let well enough alone," and who if not wholly satisfied, would tumble our present monetary system and financial policy into utter confusion, and bring serious disaster upon the country.

During the five days I have been here, the condition of public matters in West Virginia has been the subject of frequent inquiry, and I am sorry to say that the middle and confusion into which the State has been dragged is operating greatly to its injury in more ways than one, and unless we are speedily extricated, leaving it not permanent disaster to our future prosperity will be the likely result.

The unfortunate location of our State Capital, the retrograde movement in the alteration of our Constitution, the danger that seems to threaten the existence of our free school system, the proposed repudiation of West Virginia's equitable proportion of the debt of the old State, are making our young State a byword and a jest. I confess to you that this is anything but pleasant to me to have all this to meet at almost every turn; defend it I cannot. I sincerely trust the Legislature, at its present session, may have sufficient wisdom and statesmanship to adopt measures which will dispel some of these dark shadows.

West of the West.
The fifteen States washed by the Ohio, Mississippi and Missouri give the following aggregate of wealth and power in Congress, by the census of 1870:

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Mr. Butler, of Massachusetts, offered a bill remedying the duties on certain goods destroyed by the Boston fire, and also to refund discriminating duties under the proclamation of October 30, 1872, on merchandise then actually afloat.

A bill was introduced by Mr. Negley to complete the James river and Kanawha canal.

Bills were also introduced to repeal the tax on spirits and from fruit, providing for the safety of bonds; to reduce taxes, repealing the untidy section of the currency act; amending the postal act and providing for the collection of statistics of the inland and coastwise trade between the States.

Several other bills were introduced, including one repealing the iron clad acts. Bills were also introduced and referred as follows: By Mr. Shellbarger, to amend the act to facilitate postal and telegraphic communication; by Mr. Morgan, of Ohio, to secure justice to the wool-growers of that State; by Mr. Wood, of Montana, to promote immigration to the territories, also to secure a more efficient and honest administration in Indian affairs, and also for the removal of obstructions to navigation in the Upper Missouri river; by Mr. Burehard, limiting the time for the collection of duties on subscription to the National Bank of Commerce; by Mr. Blair, of Michigan, extending for four years the Southern Claims Commission; by Mr. Duncanson, of Minnesota, to repeal the act of the 4th of June, 1872, relating to the collection of duties on bridges across the Mississippi river; to authorize the Milwaukee & St. Paul Railroad Company to build a bridge across the Mississippi river at North La Crosse, Wisconsin; by Mr. Gallagher, of New Mexico, for the construction of a military road from the mouth of the Rio Grande, creating a commission to adjust the compensation of the several claimants for damages for depredations by the Rebel cruisers, to be discharged out of the indemnity fund awarded by the tribunal arbitral at Geneva, to be paid by Great Britain to the United States.

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Mr. Garfield, of Ohio, argued that the bill should be referred to a committee.

Mr. Hooper moved to suspend the rules and pass the bill.

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Mr. Kelley, of Pa., offered a resolution calling on the Secretary of the Treasury for a statement of the tonnage employed in the home trade of the United States, distinguishing between steam and sailing vessels, and between iron and wooden vessels.

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A bill was passed admitting free duty, the sailors monument now being erected at Rome, which is to be placed in the grounds of the Naval Academy, at Annapolis.

Mr. Lynch, from the Committee on Commerce, reported a bill appropriating \$15,000 for the removal of a sunken wreck which is now obstructing the navigation of the channel way at Sandy Hook, which was passed with an amendment holding the owners, charterers or insurers of the vessel responsible for the cost of removal.

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